

REMARKS

The Non-final Office Action, mailed March 20, 2008, considered claims 1-35 and 68. Claim 68 was rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Claims 1 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beda et al., U.S. Patent Pub. No. 2003/0076329 (filed Jun. 27, 2002) (hereinafter Beda), in view of Louveaux et al., U.S. Patent No. 7,102,651 (filed May 2, 2000) (hereinafter Louveaux). Claims 2-27 and 30-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beda and Louveaux, in further view of Steele et al., U.S. Patent Pub. No. 2004/0110490 (filed Mar. 21, 2002) (hereinafter Steele), which incorporates the SVG specification by reference. Claims 28-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beda, Louveaux, Steele and SVG, and further in view of Kim et al., U.S. Patent Pub. No. 2003/0120823 (filed Jun. 26, 2003) (hereinafter Kim).¹

By this response, claims 1, 33, and 68 are amended such that claims 1-35 and 68 remain pending.² Claims 1 and 68 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 0012-0013, 0077-0078, 0111-0114, 0144, 0164-0165 and the Appendix pp. 307-315.³

As reflected in the claims, the present invention is directed generally toward a media integration layer which includes an application programming interface which allows a consistent manner of interface to output graphics. Claim 1 recites, for instance, in combination with all the elements of the claim, a method for arranging graphics data for processing into an output. The method includes receiving a function call through an API of a media integration layer (MIL). The function call is interpreted and a VisualManager connects a Visual Tree to render graphics to a particular medium. The Visual Tree comprises a plurality of Visuals and each node of the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² The amendments and remarks presented herein are consistent with the information presented by telephone by patent attorney Colby Nuttall (reg. no. 58,146) and attorney Thomas Bonacci.

³ Note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. 20050140694 (Jun. 30, 2005). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

Visual Tree is traversed. A VisualRenderer then renders the Visual Tree to the particular medium.

The MIL comprises a number of types of VisualManagers and each VisualManager comprises the methods: DeviceUnitsFromMeasureUnits, Dispose, Equals, Finalize, GetHashCode, GetType, HandleMessage, MeasureUnitsFromDeviceUnits, MemberwiseClone, ReferenceEquals, SetContext, and ToString. The MIL also comprises a number of types of Visual objects and each Visual object comprises the methods: ClearValue, Equals, Finalize, GetHashCode, GetLocalValueEnumerator, GetType, GetValue, HitTestCore, InvalidateProperty, MemberwiseClone, OnDelayedInvalidate, OnPropertyInvalidated, ReadLocalValue, ReferenceEquals, SetContext, SetValue, ToString, ValidateProperty, and ValidatePropertyCore.

Claim 68 recites a computer program product embodiment of the method of claim 1.

Claim 68 was rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. In particular, the "context of [the] disclosure covers carrier waves" and carrier waves were considered non-statutory. Claim 68 has now been amended to recite "computer-readable *storage* media" so as to exclude carrier waves.⁴ In consideration of this additional limitation, the Applicants respectfully request favorable reconsideration.

Independent claims 1 and 68 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Beda and in view of Louveaux. Claim 1 has now been amended to include particular features of the media integration layer and the API. The Applicants submit that the prior art of record fails to teach or suggest all the limitations of the claims as are now recited in the claims presented herein.

In particular, *inter alia*, Beda and Louveaux fail to teach or suggest the MIL comprising a plurality of types of VisualManager objects, with the types of VisualManager objects comprising screen, print, and surface. Beda and Louveaux also fail to teach or suggest each VisualManager object comprising the methods DeviceUnitsFromMeasureUnits, Dispose, Equals, Finalize, GetHashCode, GetType, HandleMessage, MeasureUnitsFromDeviceUnits, MemberwiseClone, ReferenceEquals, SetContext, and ToString. (Note that the particular methods of the

⁴ The amendment notwithstanding, the Applicants do not necessarily concede that carrier waves should be considered non-statutory subject matter and reserve the right to pursue such claims at such a time as may be considered appropriate or desirable.

VisualManager objects are disclosed and discussed, *inter alia*, within the Appendix pp. 1-7 and 307-315.)

Beda and Louveaux also fail to teach or suggest the MIL comprising a plurality of types of Visual objects. Beda and Louveaux also fail to teach or suggest each Visual object comprising the methods ClearValue, Equals, Finalize, GetHashCode, GetLocalValueEnumerator, GetType, GetValue, HitTestCore, InvalidateProperty, MemberwiseClone, OnDelayedInvalidate, OnPropertyInvalidated, ReadLocalValue, ReferenceEquals, SetContext, SetValue, ToString, ValidateProperty, and ValidatePropertyCore. (Note that the particular methods of the Visual objects are disclosed and discussed, *inter alia*, within the Appendix pp. 1-7 and 307-315.)

Beda and Louveaux also fail to teach or suggest each VisualManager object connecting a Visual Tree to a particular medium, the visual tree comprising nodes which are visual objects.

Because of at least the distinctions noted, the Applicants submit that Beda and Louveaux fail to teach or suggest all the limitations of claims 1 and 68 and therefore a rejection under 35 U.S.C. § 103 would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of claims 1 and 68.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of June, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. D. Nydegger', written over the printed name.

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